

## **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action dated July 29, 2003. Claims 1-15 are pending in the present application. Claims 1-15 have been rejected. Claims 1-2, 5, 8, and 11-12 have been amended to further define the scope and novelty of the present invention, for clarification, as well as to correct typographical and grammatical errors. Support for the amendments to the claims is found throughout the specification, and in particular, in Figure 3, and on page 3, line 20, to page 4, line 6, and on page 5, line 18, to page 6, line 1. Applicant respectfully submits that no new matter has been presented. Claim 15 has been canceled. Accordingly, claims 1-14 are pending. For the reasons set forth more fully below, Applicant respectfully submits that the claims as presented are allowable. Consequently, reconsideration, allowance, and passage to issue are respectfully requested.

### **Claim Rejections - 35 U.S.C. §102**

The Examiner has stated:

**Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Varney (U.S. Patent No. 6,310,939).**

**Regarding claim 1, Varney teaches a switching system for receiving a call from a calling party (fig.1; col.2, lines 22-25).**

**Varney further teaches that a voice mail system (VMS) coupled to the switching system for receiving the call if a called party does not answer the call (fig.1; col.2, lines 22-25; 'voice mail system (VMS)' reads on the claim 'voice mailbox').**

**Varney further teaches that a telephone station for receiving the called party for receiving the call from the calling party, the telephone station for the called party enabling screening the calling party when the calling party is coupled to the VMS (fig.1; col.2, lines 56-67, col.3, lines 1, 2' 'telephone station for the called party' reads on the claim 'telephone' and 'VMS' reads on the claim 'voice mailbox').**

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**Regarding claims 5 and 8, Varney teaches receiving a call from a calling party by a VMS (fig.1; col.2, lines 22-55; 'VMS' reads on the claim 'voice mailbox').**

**Varney further teaches joining the called party, the calling party, and the voice mailbox in a call bridge by a telephone via a connection from the telephone of the called party such that the called party can screen a message from the calling**

**party (col.2, lines 56-67, col.3, lines 1-5; 'call bridge' reads on the claim 'three-way call').**

Applicant respectfully traverses the Examiner's rejections. For the Examiner's convenience, amended independent claims 1, 5, 8, and 11 are reproduced in their entirety herein below.

Claims 1, 5, 8, and 11

1. (currently amended) A telephone system comprising:  
a switching system for receiving a call from a calling party;  
a voice mailbox coupled to the switching system for receiving the call if a called party does not answer the call; and  
a telephone for receiving the call from the calling party, wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox, and wherein the telephone is capable of screening the calling party when the calling party is coupled to the voice mailbox.
5. (currently amended) A method for voice mail screening comprising the steps of:  
(a) receiving a call from a calling party by a voice mailbox; and  
(b) joining the called party, the calling party, and the voice mailbox, wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox, and wherein the called party can screen a message from the calling party.
8. (currently amended) A computer readable medium containing program instructions for voice mail screening, the program instructions for:  
(a) receiving a call from a calling party by a voice mailbox; and  
(b) joining the called party, the calling party, and the voice mailbox,  
wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox, and wherein the called party can screen a message from the calling party.
11. (currently amended) A telephone comprising:  
a receiver for receiving a call from a calling party; and  
a voice mail screening system within the telephone for allowing a called party to hear the calling party when the calling party is coupled to a voice mailbox, wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, and wherein the telephone bridges the call between the calling party and the voice mailbox.

The present invention provides a voice mail screening system that is within a telephone.

In accordance with the present invention, the system comprises a switching system for receiving

a call from a calling party and a voice mailbox coupled to the switching system for receiving the call if a called party does not answer the call. The system also comprises a telephone for receiving the call from the calling party. The telephone provides a three-way call between the calling party, the called party, and the voice mailbox, where the telephone bridges the call between the calling party and the voice mailbox, and where the telephone is capable of screening the calling party when the calling party is coupled to the voice mailbox. The telephone comprises an algorithm therewithin for causing the telephone to set up the three-way call to allow for the voice mail screening. The system in accordance with the present invention is simple, easy to use, and easily implemented in existing telephone switching systems (page 3, line 20, to page 4, line 6, and page 5, line 18, to page 6, line 1). Varney does not teach or suggest these features, as discussed below.

Varney discloses a screening and monitoring capability for switch based voice messaging systems that allows a called party to hear the caller and the caller's voice as the caller leaves a message and allows the called party to break in to start a normal telephone discussion if the caller warrants such action. The method and apparatus of this invention provide an external and remote advanced intelligent network service node (SN) that controls the bridging of the connections to a voice mail system (VMS) and the called party's telephone station. The SN answers the call from the caller and bridges the call to the VMS. If the called party wants to listen to the calling party leaving the message, the called party must dial a code making a subsequent call to the SN. The SN then provides a three-way call by bridging the subsequent call from the called party to the VMS. The service node turns the voice mail off and tears down the connection if the monitoring called party speaks (Abstract, Figure 1, and column 2, line 22, to column 3, line 5).

② However, Varney does not teach or suggest a telephone, “wherein **the telephone provides a three-way call** between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox” as recited in amended independent claims 1, 5, 8, and 11. Instead, Varney teaches that an **external and remote service node provides a three-way call** (Figure 1 and column 2, line 56, to column 3, line 6). According to Varney, the service node (SN) answers the call from the caller and bridges the call to the voice mail system (VMS) if the called party does not answer the call. If the called party wants to listen to the calling party leaving a message, the called party must dial a code making a subsequent call to the SN. The SN then provides a three-way call by bridging the subsequent call from the called party to the VMS (column 2, line 22, to column 3, line 5). Accordingly, the screening capabilities of Varney are not provided by the called party’s telephone but are instead provided externally by a remote service node. In contrast to Varney, the telephone as recited in amended claims 1, 5, 8, and 11 provides the three-way call without the need for an external service node, making the claimed telephone screening system simple, easy to use, and easily implemented in existing telephone switching systems. Varney does not provide these benefits because the called party’s telephone station of Varney does not provide the screening functionality within the telephone of the present invention. Therefore, Varney does not teach or suggest the *cooperation of elements* as recited in amended independent claims 1, 5, 8, and 11, and these claims are allowable over Varney.

#### Remaining dependent claims

Dependent claims 2-4, 6-7, 9-10, and 12-14 depend from amended independent claims 1, 5, 8, and 11, respectively. Accordingly, the above-articulated arguments related to claims 1, 5,

8, and 11 apply with equal force to claims 2-4, 6-7, 9-10, and 12-14, which are thus allowable over the cited reference for at least the same reasons as claims 1, 5, 8, and 11.

Conclusion

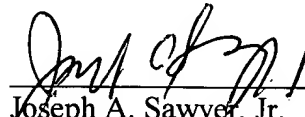
In view of the foregoing, Applicant submits that claims 1-14 are patentable over the cited reference. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

October 28, 2003  
Date

  
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